

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD EDVALDS,

Petitioner,

V.

DOUG COLE,

## Respondent.

Case No. C11-5589BHS

## ORDER DECLINING TO ADOPT REPORT AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable J. Richard Creatura, United States Magistrate Judge (Dkt. 7).

On October 27, 2011, Judge Creatura issued the R&R recommending that the Court deny Petitioner's motion to proceed in forma pauperis because Petitioner's motion was deficient and Petitioner failed to correct the deficiencies. Dkt. 7. On November 11, 2011, Petitioner corrected the deficiencies and subsequently paid the \$5.00 filing fee. *See* Dkt. 9.

The Court has considered the R&R and the remaining record and does hereby find and order as follows:

- (1) The Court declines to adopt the R&R because Petitioner corrected his deficient motion; and
- (2) This action is reassigned to Judge Creatura for further proceedings.

DATED this 16th day of November, 2011.

  
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BENJAMIN H. SETTLE  
United States District Judge

## ORDER